

BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

HOUSE JUDICIARY COMMITTEE

Date: Thursday, March 10, 2011
Place: Capitol

Time: 8:00 AM
Room: 137

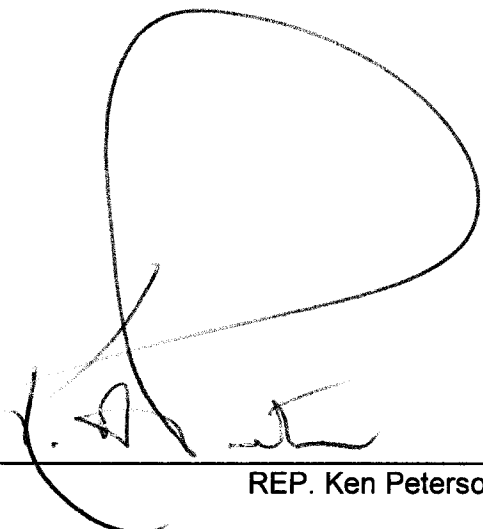
BILLS and RESOLUTIONS HEARD:

SB 238 - Increase jurisdictional limit for justice , city, and small claims courts
SB 268 - Referendum to require election of supreme court justices from districts
SB 337 - Revise probate laws and laws relating to civil proceedings

EXECUTIVE ACTION TAKEN:

SB 58	Tabled
SB 106	Be concurred in
SB 217	Tabled
SB 279	Be concurred in as amended
SB 304	Be concurred in

Comments:



REP. Ken Peterson, Chair

HOUSE OF REPRESENTATIVES
Roll Call
JUDICIARY COMMITTEE

DATE: 3/10/2011

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. KEN PETERSON, CHAIR	✓	
REP. KRAYTON KERNS, VICE CHAIR	✓	
REP. DIANE SANDS, VICE CHAIR	x	✓
REP. MIKE MENAHAN	x	✓
REP. ROBYN DRISCOLL	✓	
REP. KEITH REGIER	✓	
REP. DAN SKATTUM	✓	
REP. CLEVE LONEY	✓	
REP. MARGARET MACDONALD	✓	
REP. CAROLYN PEASE-LOPEZ	✓	
REP. MICHAEL MORE		✓
REP. LIZ BANGERTER	✓	
REP. WENDY WARBURTON	x	✓
REP. BOB WAGNER	✓	
REP. ELLIE BOLDMAN HILL	x	✓
REP. BILL HARRIS	✓	
REP. KRISTIN HANSEN	✓	
REP. DAVID HOWARD	x	✓
REP. JESSE O'HARA	x	✓
REP. JOE READ	✓	



HOUSE STANDING COMMITTEE REPORT

March 10, 2011

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Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 304** (third reading copy -- blue) be concurred in.

Signed: 

Representative Ken Peterson, Chair

To be carried by Representative Mike Menahan

- END -

Committee Vote:

Yes 20, No 0

Fiscal Note Required ☐

SB0304001SC06475.hgh

Handwritten initials and date: 3/10 2pm



HOUSE STANDING COMMITTEE REPORT

March 10, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 106** (third reading copy -- blue) be concurred in.

Signed: 

Representative Ken Peterson, Chair

To be carried by Representative Krayton Kerns

- END -

Committee Vote:

Yes 14, No 6

Fiscal Note Required ☐

SB0106001SC05187.hgh

3/10
JH

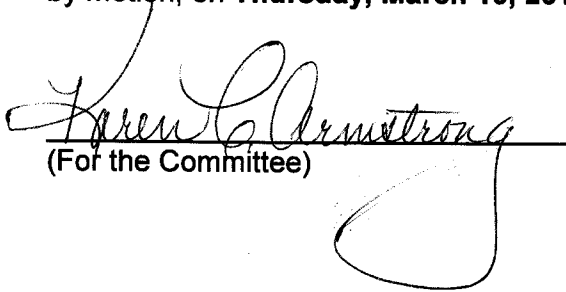
BILL TABLED NOTICE

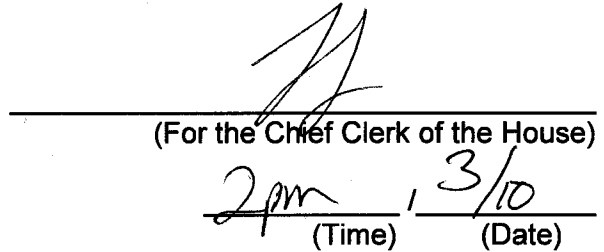
HOUSE JUDICIARY COMMITTEE

The HOUSE JUDICIARY COMMITTEE TABLED

SB 58 - Lengthen time DNA evidence must be preserved in certain cases
SB 217 - Revise award of costs to enforce constitutional right-to-know

by motion, on **Thursday, March 10, 2011.**


(For the Committee)


(For the Chief Clerk of the House)
2pm , 3/10
(Time) (Date)

March 10, 2011

Karen Armstrong, Secretary

Phone: (406) 444-4607



HOUSE STANDING COMMITTEE REPORT

March 10, 2011

Page 1 of 2

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 279** (third reading copy -- blue) be concurred in as amended.

Signed: 

Representative Ken Peterson, Chair

To be carried by Representative Keith Regier

And, that such amendments read:

1. Title, line 9.

Following: "PERMIT;"

Insert: "PROVIDING THAT A LOCAL ORDINANCE MAY NOT PROHIBIT
LEGISLATIVE SECURITY STAFF WITH A CONCEALED WEAPON PERMIT
FROM CARRYING A CONCEALED WEAPON IN THE STATE CAPITOL;"

Strike: "SECTION"

Insert: "SECTIONS"

2. Title, line 10.

Following: "45-8-317"

Insert: "AND 45-8-351"

3. Page 2, line 2.

Following: line 1

Insert: "**Section 2.** Section 45-8-351, MCA, is amended to read:

"**45-8-351. Restriction on local government regulation of firearms.** (1) Except as provided in subsection (2), ~~no~~ a county, city, town, consolidated local government, or other local government unit may not prohibit, register, tax, license, or regulate the purchase, sale or other transfer (including delay in purchase, sale, or other transfer), ownership, possession, transportation, use, or unconcealed carrying of any weapon, including a rifle, shotgun, handgun, or concealed handgun.

(2) (a) For public safety purposes, a city or town may

Committee Vote:

Yes 15, No 5

Fiscal Note Required

SB0279001SC06479.hgh

Handwritten initials and date: JJ 3/10 2011

regulate the discharge of rifles, shotguns, and handguns. A county, city, town, consolidated local government, or other local government unit has power to prevent and suppress the carrying of concealed or unconcealed weapons to a public assembly, publicly owned building, park under its jurisdiction, or school, and the possession of firearms by convicted felons, adjudicated mental incompetents, illegal aliens, and minors.

(b) Nothing contained ~~herein shall allow~~ in this section allows any government to prohibit the legitimate display of firearms at shows or other public occasions by collectors and others, ~~nor shall anything contained herein or to~~ prohibit the legitimate transportation of firearms through any jurisdiction, whether in airports or otherwise.

(c) A local ordinance enacted pursuant to this section may not prohibit a legislative security officer who has been issued a concealed weapon permit from carrying a concealed weapon in the state capitol as provided in 45-8-317."

- END -

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 3/10/2011 BILL NO 217 MOTION NO.
MOTION: he concurred in as amended.

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. KRAYTON KERNS, VICE CHAIR	✓		
REP. DIANE SANDS, VICE CHAIR	✓		
REP. MIKE MENAHAN		✓	
REP. ROBYN DRISCOLL		✓	
REP. KEITH REGIER		✓	
REP. DAN SKATTUM	✓		
REP. CLEVE LONEY		✓	
REP. MARGARET MACDONALD	✓		
REP. PEASE-LOPEZ	✓		
REP. MICHAEL MORE		✓	
REP. LIZ BANGERTER	✓		
REP. WENDY WARBURTON		✓	
REP. BOB WAGNER		✓	
REP. ELLIE BOLDMAN HILL	✓		
REP. BILL HARRIS		✓	
REP. KRISTIN HANSEN		✓	
REP. DAVID HOWARD		✓	
REP. JESSE O'HARA		✓	
REP. JOE READ	✓		
REP. KEN PETERSON, CHAIR	✓		

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 3/18/2011 BILL NO 58 MOTION NO. _____
MOTION: _____ *fails*

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. KRAYTON KERNS, VICE CHAIR		✓	
REP. DIANE SANDS, VICE CHAIR		✓	
REP. JOE READ		✓	
REP. JESSE O'HARA		✓	
REP. DAVID HOWARD		✓	
REP. KRISTIN HANSEN		✓	
REP. BILL HARRIS		✓	
REP. ELLIE BOLDMAN HILL	X	✓	
REP. BOB WAGNER	X	✓	
REP. WENDY WARBURTON	X	✓	
REP. LIZ BANGERTER		✓	
REP. MIKE MORE		✓	
REP. CAROLYN PEASE-LOPEZ	X	✓	
REP. MARGARET MACDONALD	X	✓	
REP. CLEVE LONEY		✓	
REP. DAN SKATTUM		✓	
REP. KEITH REGIER		✓	
REP. ROBYN DRISCOLL	X	✓	
REP. MIKE MENAHAN		✓	
REP. KEN PETERSON, CHAIR		✓	

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 3/10/2011 BILL NO. 106 MOTION NO. bill concurred in
MOTION: _____

<u>NAME</u>		AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. KRAYTON KERNS, VICE CHAIR		✓		
REP. DIANE SANDS, VICE CHAIR	x		✓	
REP. MIKE MENAHAN	x		✓	
REP. ROBYN DRISCOLL	x		✓	
REP. KEITH REGIER		✓		
REP. DAN SKATTUM		✓		
REP. CLEVE LONEY		✓		
REP. MARGARET MACDONALD	x		✓	
REP. PEASE-LOPEZ	x		✓	
REP. MICHAEL MORE		✓		
REP. LIZ BANGERTER		✓		
REP. WENDY Warburton		✓		
REP. BOB WAGNER		✓		
REP. ELLIE BOLDMAN HILL	x		✓	
REP. BILL HARRIS		✓		
REP. KRISTIN HANSEN		✓		
REP. DAVID HOWARD		✓		
REP. JESSE O'HARA		✓		
REP. JOE READ		✓		
REP. KEN PETERSON, CHAIR		✓		

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 3/10/2011 BILL NO. 279 MOTION NO. amend
MOTION: _____

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. KRAYTON KERNS, VICE CHAIR	✓		
REP. DIANE SANDS, VICE CHAIR		✓	
REP. JOE READ	✓		
REP. JESSE O'HARA	✓		
REP. DAVID HOWARD	✓		
REP. KRISTIN HANSEN	✓		
REP. BILL HARRIS	✓		
REP. ELLIE BOLDMAN HILL		✓	
REP. BOB WAGNER	✓		
REP. WENDY WARBURTON	✓		
REP. LIZ BANGERTER	✓		
REP. MIKE MORE	✓		
REP. CAROLYN PEASE-LOPEZ		✓	
REP. MARGARET MACDONALD		✓	
REP. CLEVE LONEY	✓		
REP. DAN SKATTUM	✓		
REP. KEITH REGIER	✓		
REP. ROBYN DRISCOLL		✓	
REP. MIKE MENAHAN	✓		
REP. KEN PETERSON, CHAIR	✓		

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 3/10/2011 BILL NO 279 MOTION NO. _____
MOTION: _____

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. KRAYTON KERNS, VICE CHAIR	✓		
REP. DIANE SANDS, VICE CHAIR		✓	
REP. MIKE MENAHAN		✓	
REP. ROBYN DRISCOLL		✓	
REP. KEITH REGIER	✓		
REP. DAN SKATTUM	✓		
REP. CLEVE LONEY	✓		
REP. MARGARET MACDONALD		✓	
REP. PEASE-LOPEZ	✓		
REP. MICHAEL MORE	✓		
REP. LIZ BANGERTER	✓		
REP. WENDY Warburton	✓		
REP. BOB WAGNER	✓		
REP. ELLIE BOLDMAN HILL		✓	
REP. BILL HARRIS	✓		
REP. KRISTIN HANSEN	✓		
REP. DAVID HOWARD	✓		
REP. JESSE O'HARA	✓		
REP. JOE READ	✓		
REP. KEN PETERSON, CHAIR	✓		

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, March 10, 2011

SB 238 - Increase jurisdictional limit for justice , city, and small claims courts

Sponsor: Senator Anders Blewett

PLEASE PRINT

Name	Representing	Support	Oppose
Steve Spencer	MT SLC Bar	X	
JOE SULLIVAN	State Bar of Montana	X	
Riley Johnson	NFIB	X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, March 10, 2011

SB 268 - Referendum to require election of supreme court justices from districts

Sponsor: Senator Joe Balyeat

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[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, March 10, 2011

SB 337 - Revise probate laws and laws relating to civil proceedings

Sponsor: Senator Anders Blewett

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.